

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PERCY LEE RHODES,

Plaintiff,

v.

JOSEPH RUIZ, et al.,

Defendants.

Case No. 1:21-cv-00942-JLT-CDB (PC)

**ORDER REFERRING CASE TO POST-
SCREENING ADR AND STAYING CASE
FOR 90 DAYS**

FORTY-FIVE (45) DAY DEADLINE

Plaintiff Percy Lee Rhodes is a former pretrial detainee proceeding pro se in this civil rights action filed under 42 U.S.C. § 1983. This action proceeds on Plaintiff's Eighth Amendment deliberate indifference to serious medical needs claims against Defendants Ruiz, Lightner, and McComas, a First Amendment access to courts claim against Defendant Cortez, and Eighth Amendment failure to protect and failure to train claims against Defendants Lightner and McComas.

The Court refers all civil rights cases filed by pro se inmates to Alternative Dispute Resolution ("ADR") to attempt to resolve such cases more expeditiously and less expensively.

The Court stays this action for ninety days to allow the parties to investigate Plaintiff's claims, meet and confer, and participate in an early settlement conference. The Court presumes that all post-screening civil rights cases assigned to the undersigned will proceed to a settlement conference. However, if, after investigating Plaintiff's claims and meeting and conferring, either

1 party finds that a settlement conference would be a waste of resources, the party may opt out of
2 the early settlement conference.

3 Accordingly, it is hereby ORDERED:

- 4 1. This action is STAYED for **ninety (90) days** to allow the parties an opportunity to
5 settle their dispute before the discovery process begins. No pleadings or motions may
6 be filed in this case during the stay. The parties shall not engage in formal discovery,
7 but they may engage in informal discovery to prepare for the settlement conference.
- 8 2. **Within 45 days** from the date of this Order, the parties SHALL file the attached
9 notice, indicating their agreement to proceed to an early settlement conference or their
10 belief that settlement is not achievable at this time.
- 11 3. **Within 60 days** from the date of this Order, defense counsel SHALL contact the
12 undersigned's Courtroom Deputy Clerk at shall@caed.uscourts.gov to schedule the
13 settlement conference assuming all parties elect to participate.
- 14 4. If the parties reach a settlement during the stay of this action, they SHALL file a
15 Notice of Settlement as required by Local Rule 160.
- 16 5. The Clerk of the Court SHALL serve via email a copy of this Order to ADR
17 Coordinator Sujean Park.
- 18 6. The parties are obligated to keep the Court informed of their current addresses during
19 the stay and the pendency of this action. Changes of address must be reported
20 promptly in a Notice of Change of Address. See L.R. 182(f).

21 IT IS SO ORDERED.

22 Dated: **August 17, 2023**

23 
24 UNITED STATES MAGISTRATE JUDGE

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NOTICE REGARDING EARLY
SETTLEMENT CONFERENCE

1. The party or counsel agrees that an early settlement conference would be productive and wishes to engage in an early settlement conference.

Yes _____ No _____

2. Plaintiff (check one):

_____ would like to participate in the settlement conference in person.

_____ would like to participate in the settlement conference by telephone or video conference.

Dated:

Plaintiff or Counsel for Defendants